

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.114 and in light of the remarks which follow, are respectfully requested.

By the above amendment, claim 1 has been amended to recite that at least the internal layer is formed from a composition consisting of at least one thermoplastic polyamide and at least one impact-resistance modifier that is a polyolefin, the at least one impact-resistance modifier being present at a concentration by weight of between 10 and 50% of said composition. Newly added claim 30 depends from claim 1. Entry of the foregoing amendments is proper at least because a Request for Continued Examination is being filed herewith. See 37 C.F.R. §1.114.

In the Final Official Action, claims 1-3, 5-11, 19, 21-25 and 27-29 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,425,817 (*Mugge et al*) in view of U.S. Patent No. 5,039,786 (*Pipper et al*) and U.S. Patent No. 4,212,965 (*Campbell*). Claims 12 and 14-18 stand rejected under 35 U.S.C. §103(a) as being obvious over *Mugge et al* in view of *Pipper et al* and *Campbell*, and further in view of European Patent Document No. 0 646 627 (*Princiotta et al*). Claim 13 stands rejected under 35 U.S.C. §103(a) as being obvious over *Mugge et al* in view of *Pipper et al* and *Campbell*, and further in view of U.S. Patent No. 5,357,030 (*VanBuskirk et al*). Claim 26 stands rejected under 35 U.S.C. §103(a) as being obvious over *Mugge et al* in view of *Pipper et al* and *Campbell*, and further in view of U.S. Patent No. 4,881,576 (*Kitami et al*). Withdrawal of these rejections is respectfully requested for at least the following reasons.

The above applied documents, taken alone or in combination, do not disclose or suggest each feature recited in independent claim 1. For example, the applied documents do not disclose or suggest a tubular or pipe multilayer structure comprising at least one internal layer and an external layer, wherein at least the internal layer is formed from a composition consisting of at least one thermoplastic polyamide and at least one impact-resistance modifier that is a polyolefin, wherein the at least one internal layer is in direct contact with the external layer, as recited in claim 1.

The Patent Office has alleged that the intermediate layer of the *Mugge et al* structure corresponds to the claimed at least one internal layer, which is in direct contact with the claimed external layer. See Advisory Action at page 2. In this regard, *Mugge et al* discloses that the intermediate layer bonds inner and outer layers together, and contains a linear, crystalline polyester-based molding composition. See col. 1, lines 56-61. Such linear, crystalline polyester-based molding composition is excluded from the claimed internal layer by the above amendment to claim 1, which now recites that the internal layer is formed from a composition **consisting of** at least one thermoplastic polyamide and at least one impact-resistance modifier that is a polyolefin. Accordingly, it is apparent that *Mugge et al* does not disclose or suggest a tubular or pipe multilayer structure comprising at least one internal layer and an external layer, wherein at least the internal layer is formed from a composition consisting of at least one thermoplastic polyamide and at least one impact-resistance modifier that is a polyolefin, wherein the at least one internal layer is in direct contact with the external layer, as recited in claim 1.

The secondary applied documents fail to cure the above-described deficiencies of *Mugge et al*. In this regard, the Patent Office has relied on *Pipper et al* for disclosing

a copolymer of caprolactam and a mixture of hexamethylene diamine with a diacid having 12 carbons at a particular ratio. See Final Official Action at page 3. *Campbell* has been relied on for its teachings concerning an impact modifier. See Final Official Action at page 3. *Princiotta et al* has been relied on for disclosing the use of an acid-modified ultra low density polyethylene having specific characteristics. See Final Official Action at page 5. *VanBuskirk et al* has been relied on for disclosing the addition of a chain extender to polyamide 6. See Final Official Action at page 6. *Kitami et al* has been relied on for disclosing a gasoline hose having specific characteristics. See Final Official Action at page 7. Even if the above secondary applied documents would have combined with *Mugge et al* in the manner suggested by the Patent Office, the resulting combination nevertheless fails to disclose or suggest a tubular or pipe multilayer structure comprising at least one internal layer and an external layer, wherein at least the internal layer is formed from a composition consisting of at least one thermoplastic polyamide and at least one impact-resistance modifier that is a polyolefin, wherein the at least one internal layer is in direct contact with the external layer, as recited in claim 1.

For at least the above reasons, it is apparent that the claims are non-obvious over the applied art. Accordingly, withdrawal of the §103(a) rejections is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

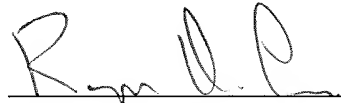
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By: _____



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